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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

0 JUUL Labs, Inc.; and VMR Products LLC,
1 Plaintiffs,
2 v.
3 NJOY, LLC; NJOY Holdings, Inc.; Altria
4 Group, Inc.; Altria Group Distribution
Company; and Altria Client Services LLC,
5 Defendants.

No. 2:23-CV-01204-PHX-SPL

DEFENDANTS' UNOPPOSED MOTION FOR A STAY

(Oral Argument Requested)

7 Pursuant to 28 U.S.C. § 1659, Defendants NJOY, LLC and NJOY Holdings, Inc.¹
8 hereby move for an Order staying this action until the determination of the United States
9 International Trade Commission (“ITC”) in *In the Matter of Certain Vaporizer Devices,*
10 *Cartridges Used Therewith, and Components Thereof*, ITC Investigation No. 337-TA-
11 1368, becomes final.

22 28 U.S.C. § 1659(a) requires a district court to stay any claim of a civil action that
23 involves the same issues as those involved in a proceeding before the ITC under § 337 of
24 the Tariff Act of 1930, when the civil action involves parties that are also parties to the
25 ITC proceeding, and when a respondent in the ITC action requests a stay within thirty

¹ The Plaintiffs JUUL Labs, Inc. and VMR Products LLC do not oppose this motion. The remaining Defendants in this action, Altria Group, Inc., Altria Group Distribution Company, and Altria Client Services LLC, although they have not yet appeared, also do not oppose this motion.

1 days of being named as a respondent. The district court proceedings must be stayed until
2 the determination of the ITC becomes final.

3 Here, all of the statutory requirements for a mandatory stay are present. All of the
4 named parties in this case are also parties to the ITC proceeding.² The ITC proceeding
5 involves the same patents and the same issues as this action. The ITC proceeding was
6 instituted on August 1, 2023 (*see* Exhibit A), and this motion is being filed within thirty
7 days of that date.

8 By filing this Motion and a Notice of Limited Appearance, Defendants do not
9 waive and expressly reserve any and all defenses, specifically including but not limited to
10 the defenses of lack of personal jurisdiction and/or insufficiency or invalidity of service of
11 the Summons and Complaint. Defendants' limited appearance and this Motion shall not
12 be construed as a submission to the jurisdiction of this Court or a waiver of or consent to
13 service of the Summons and Complaint.

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27 ² The parties in this action and the ITC Investigation are identical. The Plaintiffs and
28 Defendants in this action are the Complainants and Respondents in the ITC Investigation,
respectively.

1 DATED this 15th day of August, 2023.
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7 By: s/ David G. Barker
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